**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**FIRST APPEAL NO.1852 OF 2005**

Union of India and Anr. ...Appellants

vs.

Ganesh Trading Co. and others ...Respondents

Mr.A.H.Samant for the Appellants
Mr.Ashok Varma i/b Mr.G.J.Mohan Rao for the Respondents.

**CORAM: A.S.OKA,J.**
**DATE : FEBRUARY 6,2007.**

**P.C.:**

1. Heard Advocate for the Appellant and the Advocate for the Respondents. The Advocates for the parties state that the Appeal may be disposed of by passing an order in terms of the order in First Appeal No.280 of 1999. The Advocates for the parties agree that no reasons be assigned for passing the order.

2. I have perused the order dated 3rd May 2006 passed in the said First Appeal No.280 of 1999. Considering the facts and circumstances of the case, the Appeal can be disposed of by passing a similar order. Hence, following order :

i) The liability of payment will be that of the General Manager, Central Railway only.

ii) The principal amount awarded by the Claims Tribunal shall carry interest at the rate of 4% p.a. from

the date of application till realisation or till the date of payment/deposit with proportionate costs.

iii) The amount deposited, if found in excess after calculation, shall be returned/refunded to the Central Railway.

iv) The Respondents shall be at liberty to withdraw the amount as per the above calculation.

v) The Appeal is partly allowed in above terms.

vi) There will be no order as to costs.

**JUDGE**